

## **REMARKS**

To avoid confusion arising from a preliminary amendment that was not examined in the Office Action, Applicant cancels claims 1-29 without prejudice and present new claims 30-33 and 37-39 that generally correspond to claims canceled claims 1-5, and 11-13, respectively. Applicant also adds new claims 34-36, 40-51. No new matter has been added by virtue of the amendments, such that the claims are in condition for entry at this time. The remaining claims that were previously pending in the application are cancelled without prejudice to further the prosecution of this patent application before the Examiner. In total, there are presently 11 claims pending in the application.

### **I. Examiner Interview**

Applicant appreciates the Examiner Interview that was held on September 7, 2005 in which Pejman Sharifi, and Examiner Mohammad Siddiqi participated in person, and Cliff Reid, Bill Morton, and David Glazer participated by telephone. The opportunity to discuss the Office Action, the references, and the patent application with Examiner Siddiqi is greatly appreciated. The following comments summarize and are substantially in accord with the Interview discussions.

Applicant discussed the background, principles, and advantages of the present invention as defined by the pending claims. The rejections and the cited references were also discussed. The pending claims were patentably distinguished over Parasnis and Haraoka as explained by Applicant during the Interview as further discussed below. Possible areas of amendments relating changing modes in the data stream of the live event were discussed.

### **II. Claim Rejections**

In the Office Action, the Examiner rejected claims 1-10 under 35 U.S.C. § 103(a) as being unpatentable by Parasnis et al. U.S. Patent No. 6,728,753 in view of Haraoka et al. U.S. Patent No. 6,898,801. Claims 30-33 correspond to claims 1, 3-5. However, claim 30 incorporates features of claim 2 and also includes features relating to changing modes as discussed with the Examiner during the Examiner interview.

Applicants' independent claim 30 is directed to a system for delivering to a wide area network (WAN) content that is captured over the time period of a live event. The system deals

with first and second computers that are connected to respective first and second sides of the WAN. The first computer has a cache for storing a data stream, code for identifying a live portion of the data stream, and code for identifying a user position portion of the data stream. The first computer also has code for replying to requests from the second computer for portions of the data stream. For example, in response to the first request in claim 30, the first computer can send to the second computer the live portion of the data stream. Also for example, in response to the second request in claim 1, the first computer can send to the second computer a portion of the data stream that includes content captured less recently than the content in the live portion of the data stream.

In one embodiment, Applicant's independent claim 30 can be understood to relate to a scenario that includes a data stream having content captured during the time period of a live event, a WAN server having a cache for storing the data stream, and a WAN client having a media player for playing streamed data. In the scenario, the server can send a portion of the data stream over the WAN to the client, and the client can play the received portion of the data stream on the media player.

As known by those of ordinary skill in the art and described in Applicant's published application (see, e.g., paragraph 7), some of the content of the data stream can be lost during transmission from the server to the client over the WAN. For example, some of the content of the live portion of the data stream can be lost during transmission. Applicants' independent claim 30 provides a solution to this problem by allowing the client to, for example, "rewind" the data stream during the time period of the live event (see, e.g., paragraphs 26 and 52-54 of Applicants' published application). (Additionally, Applicants' independent claim 1 allows the client to, for example, pause the data stream during the time period of the live event and resume the data stream later.) Specifically, Applicants' independent claim 1 includes receiving a second request from a second computer (e.g., a client) and sending from a first computer (e.g., a server) to the second computer (e.g., the client) during the time period of the live event a portion of the data stream that includes content captured less recently than the content in the live portion of the data stream.

In addition, the system of claim 30 includes a features, for example, for providing live and delayed content during a live event, wherein the content rate of the delayed content is at a

higher rate than the live content to allow for a user to catch up to the live content. This is, for example, useful when a user enters a live streaming event later than other participants.

All of the features of claim 30 are not shown or suggest by Parasnis, Haraoka, or their combination. For example, in the Office Action, the Examiner concedes to be lacking from Parasnis:

"in response to the second request, sending a portion of the at least one data stream from the first computer to the second computer during at least the time period of the live event, the portion containing content captured less recently by the system than content contained in the live portion of the at least one data stream."

The Examiner relies on Haraoka to overcome this deficiency in Parasnis. However, the Examiner's reliance on Haraoka is misplaced. Haraoka describes a system that does not receive requests as is specified in the above-quoted text from claim 1. In the Haraoka system the receiving apparatus does not interact with the broadcasting system. In Haraoka all control information is transmitted from the broadcasting system to the receiving apparatus ahead of the start time. (Haraoka, col. 3, lines 65 to col. 4, line 1 & col. 6, lines 26-28). Therefore, Haraoka does not show a system that responds to requests. Thus, neither Parasnis nor Haraoka show or suggest all of the features of claim 1.

Although Applicant has traversed the Examiner rejection, in order to further the prosecution of the patent application, Applicant amends the claims based on the suggestions provided by the Examiner during the Examiner Interview. Specifically, independent claim 30 includes, among other things, a feature in which during the live event, a second streaming mode is sent at a higher content rate than the live event. Such a feature is not shown or suggested by Parasnis, Haraoka, or their combination. Therefore, claim 30 is allowable over Parasnis and Haraoka.

Claims 31-33, which depended from claim, are also allowable at least due to their dependency from claim 1. In addition, new claim 34, which provides that in one embodiment the second request to the first computer can comprise a third request for sending content at a higher rate, and claims 35 and 36, which are directed to a media player and using time stamps at the second computer, are also allowable at least because of their dependence from claim 30. Claims 41-47 are counterpart method claims to system claims 31-36 and are allowable at least for the same reasons give above with respect to claims 31-36.

Claims 11-18 were rejected under 35 U.S.C. § 102(e) as being anticipated by Parasnis et al. U.S. Patent No. 6,728,753. New claims 37-39 correspond to claims cancelled claims 11-13. Claim 37, however also includes an added feature as in claim 30 relating to providing the recited presentation features during the live event.

All of the features of claim 37 are not shown or suggested by Parasnis at least for the reason that Parasnis, does not show or suggest "associating time stamp values with data units of the first data stream such that the media player program at the second computer will present content of the first data stream in a manner providing the user at the second computer an experience of a mode change while the media player program remains in the first mode of the media player program." Therefore, claim 37 is allowable over Parasnis. Claims 38-40 are also allowable at least because of their dependence from claim 37. Claims 48-51 are counterpart system claims to method claims 37-40 and are allowable at least for the same reasons give above with respect to claims 37-40.

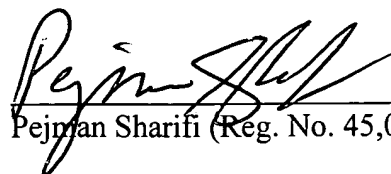
### **III. Conclusion**

On the basis of the foregoing Amendment and Remarks, this application is in condition for allowance. Accordingly, Applicant requests allowance.

Applicants invite the Examiner to contact the Applicant's Attorney if issues are deemed to remain prior to allowance.

Respectfully submitted,

Date: November 9, 2005

  
Pejman Sharifi (Reg. No. 45,097)

**WINSTON & STRAWN LLP**  
**CUSTOMER NO. 28765**  
(212) 294-2603